

European Union & Court of Justice Essay

Introduction

Nowadays the world is gradually becoming smaller and smaller (Cox, et. Al., Sep. 1934). In the Globalization era, the world is considered a global village. Day by day new national & international organizations are establishing in the contemporary world. The European Union is one of the largest international organizations in the European territory. It is consisting of 27 countries of Europe and its head office is in Brussels. It could also be argued that the European Union (EU) is the best promoter of human rights not only in Europe but also in the entire world.

Establishment & Composition of EU

Analytically, Europeanization can be defined as a process of nation-state boundary transcendence, resulting in a process of de-differentiation of European polities after five centuries of progressive differentiation in legal and administrative systems, in social practices and cultural and linguistic codes, in economic transactions and regulations of the market, and in social and political institutions (Bartolini, 31 January 2006, p.4). Europeanization “points to a process of growing permeability and/or of lowering of the external boundaries of territorial systems, and in particular of that specific territorial system represented by the nation state” (Bartolini, 31 January 2006, p.4).

For providing emergency humanitarian and food aid, the European Union established the European Community Humanitarian Office in 1992 (The European Union Development Policy, n.d.). On 1 May 2004, the extension of the EU in the case of political, geographic, and economic terms has been brought a historical shift for that Union (Draft Action Plan EU-Israel, Nov 2004).

Significant Development of EU

The sixth most important developmental trend in the history of Europe has been visualized by Europeanization since the 16th century in a broad historical sense. “The primary and overarching objective of EU development cooperation is the eradication of poverty in the context of sustainable development, including pursuit of the Millennium Development Goals (MDGs)” (Council of the European Union, 22 November 2005, p.5). EU development policy and development cooperation have emphasized that the EU should strengthen the internal consistency of international cooperation through its operations (Foreign Ministry, Finland).

“Development cooperation is a shared competence between the European Community and the Member States. Community policy in the sphere of development cooperation shall be complementary to the policies pursued by the Member States. Developing countries have the prime responsibility for their own development” (Bartolini, 31 January 2006).

But developed countries have a responsibility too. The EU, both at its Member States and Community levels, is committed to meeting its responsibilities (Bmeia, n.d.). Working together, the EU is an important force for positive change (DFID). The EU provides over half of the world’s aid and has committed to increasing this assistance, together with its quality and effectiveness. The EU is also the most important economic and trade partner for developing countries, offering specific trading benefits to developing countries, mainly to the LDCs among them (Bmeia, n.d.).

The EU accepted the new development policy declaration in November 2005. The declaration defines the Union's development policy strategy, which also has a clear link with development financing and its methods (Foreign Ministry, Finland).

Composition of the European Court of Justice

The European Court of Justice (ECJ) is the highest court in the European Union (EU) (EUROPA, n.d.). "The court is assisted by a lower court, the Court of First Instance, dealing with certain issues. Two other courts deal with other responsibilities, the Civil Service Tribunal over employees of the Union's institutions and Court of Auditors (an institution in its own right) over the Union's accounts. It should not be confused with the European Court of Human Rights in Strasbourg, which is part of the Council of Europe" (Wikipedia, 4 April 2008). In 1965, all member states of the EU agreed for establishing the permanent seat of the Court in Luxembourg. Therefore, Luxembourg is the heart of all the European Union's judicial bodies and it is separated from the political institutions which are based in Brussels and Strasbourg.

Its Role & Impact

The European Court of Justice (ECJ) established in 1952 has dealt with the guarantees of the rights of the citizens of the people of the EU. It was only in 1964 when the lack of guarantees regarding fundamental human rights became an issue. The ECJ set out the doctrine of the supremacy of EC law over national law. This was resisted by the German and Italian constitutional courts, because EC law, in contrast to their national constitutions, did not protect human rights. The response came in 1969 when the ECJ asserted "its jurisdiction over the review of Community provisions and action for conformity with human rights". More emphasis on the importance of human rights was expressed at the prospect of acceptance of Greece, Spain, and Portugal in the EC (the "newly democratic countries").

Therefore, in 1978 the European Council (Copenhagen) declared that "respect for and maintenance of representative democracy and human rights in each Member State are essential elements of membership to the European Communities" (Frowein, 1984). "The government is finalising legislation on civil partnerships that will extend many of the same benefits and legal obligations of marriage to same-sex couples" (O'Brien, 2008).

A Recent Case Study: Notable judgments and criticisms

Many important decisions have been made by the ECJ. In early times these decisions ruled European law and they took it under consideration as their national law. In 1995 they promoted it to Criminal law. In that very session, the Bosman ruling court declared it ultra vires in the issue of the limitation of foreign players in a football team. It also provided more rights to the players who wanted to leave clubs.

Conclusion

"The EU could perform a leader role by building issue-based international and transnational coalitions and by increasing domestic implementation. We believe that the EU could develop a strategy that combines structural, directional and instrumental elements with a short, medium and long-term focus" (Gupta and Ringius, April 2001). In this study, it will be highlighted three of the options identified as follows:

First, the EU should build a “55% coalition” with like-minded countries and groups within the US and create the conditions for early ratification of the KP. The EU needs to correct inconsistency and ingenuity between its internal policy and its international policy and should optimize the combination of a common negotiation position and the diplomatic channels of its fifteen member states to ensure that its total influence is united, flexible, effective, and wide in its outreach. The EU and its members could develop capacity-building programs in developing countries financed by ODA and should continue to stress the goal of industrial transformation at bilateral and multilateral summits.

Second, the “EU should through traditional channels and through support from local organizations and NGOs improve the credibility of its internal policy” (Gupta and Ringius, April 2001) and implement policies and measures in member countries. The critique that the EU is making use of no-regrets policies and not developing specific climate policies can be countered by arguing that climate policy per se is unlikely to be successful; one needs to talk in terms of energy, transport, and agriculture (Gupta and Ringius, 2001). Third, the EU should develop a clearer vision of the long-term development strategy.

Undoubtedly, “the EU has been quite successful as an international leader. The Kyoto targets would not have been as ambitious as they are without the EU. However, the summarization to the Kyoto depends on effective implementation; a different game altogether” (Gupta and Ringius, April 2001). A few European Union member states met the stabilization goal for the year 2000 due to auspicious status (Sen, 2002), but most likely no one will reach their goal as a result of following effective implementation by taking wise strategy. EU leadership is therefore losing credibility. To remain influential in the years ahead, the EU’s leadership strategy must be credible-both in terms of rhetoric and in terms of action (Gupta and Ringius, April 2001).

References

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